

MINUTES FOR
CITY OF CEDAR PARK
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, FEBRUARY 21, 2012 AT 6:30 P.M.
CEDAR PARK PUBLIC LIBRARY
550 DISCOVERY BOULEVARD CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

☒ ALAIN O'TOOL
☒ HOLLY HOGUE

☒ STEPHEN THOMAS, Chair
☒ NICHOLAS KAUFFMAN, Vice Chair
☒ LORENA ECHEVERRIA, Secretary

☒ THOMAS BALESTIERE
☒ JON LUX

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Thomas called the meeting to order at 6:30 P.M. Chair Thomas read the "Chairman's Sheet" explaining the meeting procedures. Commissioner Balestiere arrived at 6:39 P.M. at the beginning of Item 8A. All other Commissioners were present and a quorum was declared.
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS
Chair Thomas led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
3. MINUTES: Approve Minutes from the Special Called Meeting of February 7, 2012
MOTION: Commissioner Lux moved to approve the Special Called Meeting of February 7, 2012 Minutes as presented. Commissioner O'Tool seconded the motion and the motion passed unanimously, 6-0, one absent.
4. CITIZEN COMMUNICATIONS *(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)* **None.**
5. CONSENT AGENDA:
 - A. STATUTORY DISAPPROVAL:
(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)
 1. West Park Estates (PP-12-001)
11.16 acres, 30 single family lots, 1 drainage and water quality lots
Located on the south side of Cedar Park Drive just west of US Hwy 183
Owner: Bob Gilfillan
Staff Resource: Emily Barron
Staff Proposal to P&Z: Statutorily Disapprove
 2. Whitestone Medical Pavilion, Replat of Lot 1-B, Block A (SFP-12-001)
4.084 acres, 2 commercial lots
Located on East Whitestone Boulevard, east of C-Bar Ranch Trail
Owner: Flagstar Bank FSB
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Scottsdale Crossing (PP-11-007)
 121.08 acres, 88 residential lots, 16 commercial lots
 183A Toll Road at Scottsdale
 Owner: Pecan Grove SPVEF
 Staff Resource: Emily Barron
 Staff Proposal to P&Z: Approve
2. Scottsdale Crossing (SFP-11-008)
 7.619 acres, 3 commercial lots
 Located 183A at Scottsdale Road
 Owner: Pecan Grove SPVEF
 Staff Resource: Emily Barron
 Staff Proposal to P&Z: Approve
3. Lakeline Sports (SFP-11-009)
 2.8386 acres, 1 commercial lot
 Located on the south side of Old Mill Road, west of Lakeline Boulevard
 Owner: Caspita Industries Limited
 Staff Resource: Amy Link
 Staff Proposal to P&Z: Approve

MOTION: Secretary Echeverria moved to recommend approval of Consent Agenda Items 5.A.1 through 5.B.3 as presented. Commissioner Lux seconded the motion, and the motion passed unanimously, 6-0, one absent.

6. POSTPONEMENTS/WITHDRAWN/PULLED REQUESTS: **None**

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS: In accordance with the statutory requirements of the Texas Local Government Code reflected in Section 211.007, acceptance of preliminary reports for the following applications is recommended.

A. King William, Z-12-001 (Related to item 8A)

MOTION: Secretary Echeverria moved to accept the Preliminary Reports for Item 8A as presented by Staff. Commissioner Lux seconded the motion, and the motion passed unanimously, 6-0, one absent.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Caspita Industries, Ltd to rezone approximately 1.3 acres from Local Retail (LR) to Commercial Services with a Conditional Overlay (CS-CO) with conditions limiting the permitted uses to the following: self-storage, auto parts and accessories sales, dry clean or laundry, indoor sports and recreation, and veterinary services, for property located on the south side of Lakeline Boulevard just west of the intersection of Old Mill Road and Lakeline Boulevard. (King William - Z-12-001)
 Owner: Caspita Industries, Ltd.
 Staff Resource Person: Emily Barron
 Staff proposal to P&Z: Local Retail (LR)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. The applicant is requesting to rezone approximately 1.3 acres from Local Retail (LR) to Commercial

Services with a Conditional Overlay (CS-CO) for property located on South Lakeline Boulevard just north of Old Mill Road. The applicant proposed the following uses as part of the conditional overlay: automotive parts and accessories sales; dry cleaning and/or laundry facility, on site; indoor sports and recreation; self-storage; and veterinary services. The applicant's intent is to develop this property as self-storage as part of a larger development with property to the south. The property to the south was granted a conditional use in 2008 when the zoning ordinance allowed property owners to request a zoning district and pick two additional conditional uses to add to their zoning request. The ability to add uses to a zoning request while maintaining a LR zoning category is no longer an option in the ordinance. The requested zoning category falls within an industrial classification which does not provide for compatibility with adjacent residential land use. The request does not meet the Future Land Use Plan. This request is not supported by the purpose statement of the requested zoning category due to its potential intensity. Staff recommended maintaining the existing Local Retail (LR) designation on the site. The applicant provided a Summary of Neighborhood Communications. It was handed out at the meeting.

Jennie Braasch, agent for the applicant, advised the Commissioners that there are three owners for the tracts. She provided architectural drawings of the self-storage stating that the self-storage facility would not look industrial. She stated that the unique shape of the tract created a hardship for the owner and there had been little retail interest in this property in eight years. She stated that the owner would be willing to remove all requested uses except self-storage from the original rezoning request. She advised that she had neighborhood support. She advised that the proposed developer was present and available to answer questions.

There was general discussion among the Commissioners concerning the conditional uses. Vice Chair Kauffman advised that only the land use could be considered and not architectural designs as designs could change.

A public hearing was held on the above item. Steve Yndo spoke in favor of the rezoning request. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was additional discussion among the Commissioners concerning limitations of the tract. Chair Thomas stated that infill would be difficult. Commissioner O'Tool stated that the request was not objectionable. Emily Barron advised that even if the rezoning request was approved, the Corridor Overlay would not allow self-storage on this site. Commissioner Lux agreed that infill would be difficult, but stated the Commission needed to stay consistent with the Future Land Use Plan. He supported staff's recommendation. Vice Chair Kauffman stated that the conditional uses were ^{adequately} highly restricted. Secretary Echeverria stated that property A (rezoning request) was very different from other properties and believed that this was a unique case with adequate justification because of the low visibility.

MOTION: Vice Chair Kauffman moved to recommend approval to the City Council of rezoning approximately 1.3 acres from Local Retail (LR) to Commercial Services with a Conditional Overlay (CS-CO) (Z-12-001) as requested by the applicant. Secretary Echeverria seconded the motion and the motion passed as follows:

Yes: Kauffman, Echeverria, Thomas, Balestiere, O'Tool, Hogue
No: Lux

MOTION: Secretary Echeverria moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-12-001. Commissioner O'Tool seconded the motion and the motion passed unanimously, 7-0.

9. FUTURE LAND USE PLAN AMENDMENTS: **None**
10. SUBDIVISIONS (ACTION AND PUBLIC HEARING): **None.**
11. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): **None.**
12. DISCUSSION AND POSSIBLE ACTION ITEMS:
 - A. Discussion and Possible Action on Ordinance Amendments to Chapter 11 – Zoning, Article 11.02, 11.03, 11.12 and Adding 11.05 regarding masonry and architectural building regulations
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council

Rawls Howard, Director of Planning and Development Services, made the presentation. This item was included in the February 7th workshop. At the workshop, the Commission clarified the method of calculation. They discussed 100% masonry standard for non-residential (including multi-family) and 50% masonry for all industrial. They also discussed maintaining 50% standard for residential, requiring two types of masonry materials, and 75% standard for corner and double-frontage lots. Emily Barron advised that in 1998, the Corridor Overlay required 75% masonry. Staff provided two options for consideration: Option A would adopt regulations requiring 75% masonry construction for residential zoning districts. Rural Agriculture (RA) would require 50% and Multifamily (MF) would require 100%. Option B would maintain the current 50% masonry construction for residential districts. Staff recommended Option A.

A public hearing was held on the above item. Leila Wurst, Community Planner with Texas Masonry Council, spoke in favor of the proposed amendments. There being no further public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Lux moved to approve Option B for the Ordinance Amendments to Chapter 11 – Zoning, Article 11.02, 11.03, 11.12 and Adding 11.05 regarding masonry and architectural building regulations as presented by staff. Commissioner Balestiere seconded the motion and the motion passed as follows:

Yes: Lux, Kauffman, Thomas, Balestiere

No: O'Tool, Echeverria, Hogue

- B. Discussion and possible action on Ordinance Amendments to Chapter 11 – Zoning, Section 11.12 and Chapter 14 – Site Development, Section 14.07 regarding regulations for residential and non-residential fencing
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council

Rawls Howard made the presentation. This item was included in the February 7th workshop. At the workshop, the Commission discussed streamlining and consolidating existing fencing regulations. New regulations discussed included: clarifying definitions for fences and fence types, establishing maintenance requirements for fences, and adding prohibition on barbed/razor wire and electrical fencing for residential zoning districts with an exception for Rural Agricultural zoning districts and security of public institutions (barb wire only).

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Echeverria moved to recommend approval to the City Council of the Ordinance Amendments to Chapter 11 – Zoning, Section 11.12 and Chapter 14 – Site Development, Section 14.07 regarding regulations for residential and non-residential fencing as presented by staff. Commissioner Lux seconded the motion and the motion passed unanimously, 7-0.

- C. Discussion and possible action on Ordinance Amendments to Chapter 11 – Zoning, Article 11.02 Zoning Districts and Regulations Division 33 Corridor Overlay – To amend language regarding uses within Corridor Overlay
- 1) Public Hearing
 - 2) P&Z Recommendation to City Council

Rawls Howard made the presentation. This item was included in the February 7th workshop. At the workshop, it was discussed that the proposed amendment applied corner lot limitations on residentially-based medical uses and applied one-half mile separation for gas stations and car washes.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Secretary Echeverria moved to recommend approval to the City Council of the Ordinance Amendments to Chapter 11 – Zoning, Article 11.02 Zoning Districts and Regulations Division 33 Corridor Overlay – To amend language regarding uses within Corridor Overlay as presented by staff. Commissioner Lux seconded the motion and the motion passed as follows:

Yes: Thomas, Echeverria, O'Tool, Hogue, Balestiere, Lux

No: Kauffman

13. **ADMINISTRATIVE ITEMS:**

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

- A. Report on City Council Actions Pertaining to Zoning Matters from January 26, 2012 and February 2, 2012

Commissioner Lux advised that the items related to zoning matters all passed.

- B. Director and Staff Comments

Director Rawls Howard advised the Commissioners that City Council had pushed the D.R. Horton case back to the Planning and Zoning Commission for reconsideration at the March meeting. A letter from D.R. Horton's attorney had requested an indefinite postponement. He also wished Chair Thomas a happy birthday.

- C. Commissioners Comments.

Chair Thomas stated that he appreciated the thoughtful discussion from the Commissioners.

- D. Request for Future Agenda Items. None.

- E. Designate Delegate to Attend Next Council Meetings on February 23, 2012 and March 8, 2012
Chair Thomas stated he would attend the February 23, 2012 Council meeting. Commissioner Lux stated he would attend the March 8th meeting.

14. ADJOURNMENT
Chair Thomas adjourned the meeting at 7:53 p.m.

PASSED AND APPROVED THE 20TH DAY OF MARCH, 2012.


STEPHEN THOMAS, Chairman

ATTEST:


LORENA ECHEVERRIA DE MISI, Secretary